

### **REMARKS**

Prior to entry of this Amendment, claims 1-4 and 7-11 were pending in this application. No claim have been amended, no claims have been added, and no claims have been canceled herein. Therefore, claims 1-4 and 7-11 remain pending in this application. Applicants respectfully request reconsideration of these claims for at least the reasons presented below.

#### **35 U.S.C. § 102 Rejection, Flitcroft**

The Office Action has rejected claims 1-4 and 7-10 under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 6,636,833 to Flitcroft et al. (hereinafter "Flitcroft"). The Applicant respectfully submits the following arguments pointing out significant differences between claims 12-14, 22 and 23 submitted by the Applicants and Flitcroft.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully argue that Flitcroft fails to disclose each and every claimed element. For example, Flitcroft fails to disclose, either expressly or inherently, providing control of product usage parameters to the account holder as recited in claim 1.

As noted previously, Flitcroft is directed to "a credit card system and method offering reduced potential of credit card number misuse." (Col. 1, lines 19-21) More specifically, Flitcroft discloses "a credit card technique involving: maintaining a pool of credit card numbers which share identical formatting; assigning at least one credit card number from the pool of credit card numbers to be a master credit card number; assigning at least one credit card number from the pool of credit card numbers to be a limited-use credit card number which is deactivated upon a use-triggered condition subsequent; and associating the master credit card

number with the limited-use credit card number, while ensuring that the master credit card number cannot be discovered on the basis of the limited-use credit card number." (Col. 4, line 61 - col. 5, line 4) "The technique further comprises: receiving notification that the limited-use credit card number has been used in a credit card transaction; determining whether a limited-use event has occurred based on the notification, and if so, generating a deactivation command; and deactivating the limited-use credit card if a limited-use event has occurred." (Col. 5, lines 5-10)

That is, Flitcroft discloses a limited use card that is deactivated after the occurrence of some condition. The conditions or limitations are placed on the limited use card are described in detail in Col. 16, lines 5-62, a portion of which is cited by the Office Action. Specifically, the portion of Flitcroft cited by the Office Action recites in total: "these limitations can be assigned by the issuer in a predetermined manner or can be imposed according to the requests of the card holder." (Col. 16, lines 20-22) However, the Applicants respectfully submit that Flitcroft does not disclose, expressly or inherently, providing control of product usage parameters, i.e., usage limitations, to the account holder. Rather, the usage limitation of Flitcroft are assigned and maintained by the issuer and can be imposed by the issuer in response to requests by the card holder. That is, under Flitcroft, the issuer maintains control of the usage limitations and does not provide control of the usage limitations to the card holder. The Applicants submit that Flitcroft is actually like the method of controlling usage parameters described in the background section of the present application on page 4.

In response to these arguments, the final Office Action repeats verbatim the rejections and rationale of the Office Action dated May 4, 2007. The final Office Action then adds under the heading "Response to Arguments" the argument that "the claim as recited does not preclude providing control of product usage parameters to the account holder via a request or other means." The Applicants respectfully submit that it is not exactly clear which claim "the claim" is referring to. However, the Applicants will assume that the Office Action is referring to pending claim 1. In response to the argument that claim 1 does not explicitly preclude allowing

the account holder to request that the usage parameters be changed, the Applicants submit that such is inherent. That is, if the account holder is required to request a change of the usage parameters from the issuer, the account holder does not control the usage parameter. Rather, if the account holder is required to request a change of the usage parameters from the issuer, the issuer must retain control of the parameter.

Claim 1, upon which claims 2-4 and 7-11 depend, recites in part "providing control of said product usage parameters to the account holder." Flitcroft does not disclose, expressly or inherently, providing control of product usage parameters, i.e., usage limitations, to the account holder. Rather, the usage limitation of Flitcroft are assigned and maintained by the issuer and can be imposed by the issuer in response to requests by the card holder. For at least these reasons, the rejection should be withdrawn and claims 1-4 and 7-11 should be allowed.

**35 U.S.C. § 103 Rejection, Flitcroft in view of Walker**

The Office Action has rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Flitcroft as applied to claim 3 in view of U. S. Patent No. 6,327,573 to Walker et al. (hereinafter "Walker"). The Applicants respectfully requests withdrawal of the rejection and allowance of the claim for at least the reason that claim 11 depends upon claim 1 that is thought to be allowable as described in detail above.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/025,092  
Amdt. dated December 18, 2007  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 3691

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Dated: December 18, 2007

Respectfully submitted,

/William J. Daley/  
William J. Daley  
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000 (Denver office)  
Fax: 303-571-4321 (Denver office)

WJD/jcp

61207225 v1